REMARKS

STATEMENT OF COMMON OWNERSHIP

The present application, Serial No. 09/286,099, and US Patent No. 6,269,335 to

Ittycheriah were, at the time the invention of the Application Serial No. 09/286,099 was

made, subject to an obligation of assignment to International Business Machines

Corporation.

RESPONSE TO REJECTIONS

Claims 1-22 are pending in the present application. Reconsideration of the claim

rejections are respectfully requested in view of the following remarks.

Claim Rejections - § 103

Claims 1-22 stand rejected under 35 U.S.C 103(a) as being unpatentable over U.S.

Patent No. 5,995,930 to Hab-Umbach in view of U.S. Patent No. 6,269,335 to Ittycheriah,

as set forth in pages 2-3 of the Office Action.

However, Ittycheriah does not qualify as prior art under 35 U.S.C. 103(c)(1). For

example, MPEP 706.02(l)(1) states that "[s]ubject matter developed by another person,

which qualifies as prior art only under one or more of subsections (e), (f), and (g) of

section 102 of this title, shall not preclude patentability under this section where the subject

matter and the claimed invention were, at the time the claimed invention was made, owned

by the same person or subject to an obligation of assignment to the same person.

While Applicants do not concede that Ittycheriah qualifies as prior art under 102(e),

the Examiner's 103 arguments appear to be based on the assumption that Ittycheriah

qualifies as prior art only under 102(e) because Ittycheriah was filed on August 14, 1998, a

date before Applicant's filing date of April 2, 1999, and issued on July 31, 2001, a date

after Applicant's filing date.

However, as stated above, the application and Ittycheriah, at the time the invention was made, were subject to an obligation of assignment to the IBM Corporation. Thus, Ittycheriah does not qualify as 102(e) prior art.

Further, Hab-Umbach, by itself, does not disclose or suggest all of the limitations of claims 1, 9, and 15. For example, at the very least, Hab-Umbach does not disclose or suggest, *generating a synthetic waveform for each of N text sequences representing the N-best hypotheses output from a speech recognition system*, as recited in claims 1 and 9 and further does not disclose or suggest, *a waveform generator for generating a synthetic waveform for each of the N text sequences*, as recited in claim 15. For example, the Examiner concedes (in paragraph 2 of the Office Action), that Hab-Umbach does not teach "generating a synthetic waveform for each of the N-best sequences".

Moreover, Hab-Umbach, by itself, does not disclose or suggest claims 2-8, 10-14, and 16-22, at least by virtue of their respective dependencies from claims 1, 9, and 15.

For at least the foregoing reasons, the combination of Hab-Umbach and Ittycheriah cannot render obvious claims 1-22.

Withdrawal of the rejections under 103(a) is respectfully requested.

Conclusion

In view of the foregoing remarks, it is respectfully submitted that all the claims

now pending in the application are in condition for allowance. Early and favorable

reconsideration is respectfully requested.

Respectfully submitted,

By: *Robert Newman*

Robert Newman
Reg. No. 60,718
Attorney for Applicants

F. CHAU & ASSOCIATES, LLC
130 Woodbury Road
Woodbury, NY 11797
Telephone: (516) 692-8888
Facsimile: (516) 692-8889